



0000052589

ORIGINAL

04P

RECEIVED

BEFORE THE ARIZONA CORPORATION COMMISSION

2002 AUG 13 P 4:39

WILLIAM A. MUNDELL
CHAIRMAN

Arizona Corporation Commission

DOCKETED

JIM IRVIN
COMMISSIONER

AUG 13 2002

AZ CORP COMMISSION
DOCUMENT CONTROLMARC SPITZER
COMMISSIONER

DOCKETED BY

JOINT APPLICATION OF ACSI LOCAL
SWITCHED SERVICES, INC. D/B/A E.SPIRE
AND AMERICAN COMMUNICATION
SERVICES OF PIMA COUNTY, INC. D/B/A
E.SPIRE AND XSPEDIUS MANAGEMENT CO.
SWITCHED SERVICES, L.L.C., AND
XSPEDIUS MANAGEMENT CO. OF PIMA
COUNTY, L.L.C. FOR EXPEDITED APPROVAL
OF (i) THE TRANSFER OF SUBSTANTIALLY
ALL OF THE ASSETS, INCLUDING THE
CUSTOMER CONTRACTS, OF THE E.SPIRE
OPERATING ENTITIES TO THE XSPEDIUS
OPERATING ENTITIES; (ii) THE
DISCONTINUANCE OF TELECOMMUNI-
CATIONS SERVICES IN ARIZONA BY THE
E.SPIRE OPERATING ENTITIES

Docket No. T-03411A-02-0450
T-03597A-02-0450
T-04112A-02-0450
T-04113A-02-0450

IN THE MATTER OF THE APPLICATION
OF XSPEDIUS MANAGEMENT CO. OF
PIMA COUNTY, L.L.C. FOR A
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE INTRASTATE
TELECOMMUNICATIONS SERVICES

Docket No. T-04112A-02-0451

IN THE MATTER OF THE APPLICATION
OF XSPEDIUS MANAGEMENT CO.
SWITCHED SERVICES, L.L.C. FOR A
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE INTRASTATE
TELECOMMUNICATIONS SERVICES

Docket No. T-04113A-02-0452

NOTICE OF FILING OF AFFIDAVIT OF PUBLICATION


Please take notice that ACSI Local Switched Services, Inc. dba e.spire and American
Communication Services of Pima County, Inc. dba e.spire hereby file the attached Affidavit of

ROSKA HEYMAN & DEWULF, PLC
ONE ARIZONA CENTER
400 EAST VAN BUREN STREET - SUITE 800
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

1 Publication from the Arizona Republic to verify that public notice was published regarding the
2 above-referenced discontinuance of service.

3
4 RESPECTFULLY SUBMITTED August 13, 2002.

5 ROSKA HEYMAN & DEWULF, PLC

6
7 By 

8 Michael W. Patten
9 One Arizona Center
400 East Van Buren Street, Suite 800
10 Phoenix, Arizona 85004
(602) 256-6100

11 Brad Mutschelknaus
12 Enrico C. Soriano
13 Leila M. Baheri
14 KELLEY DRYE & WARREN LLP
1200 19th Street, N.W., Fifth Floor
15 Washington, D.C. 20036
(202) 955-9866

16 Attorneys for ACSI Local Switched Services, Inc.;
17 American Communication Services of Pima County
18 Inc.; Xspedius Management Co. Switched Services,
L.L.C.; Xspedius Management Co. of Pima County,
19 L.L.C.

20 ORIGINAL + 10 COPIES of the foregoing
21 filed August 13, 2002, with:

22 Docket Control
23 ARIZONA CORPORATION COMMISSION
1200 West Washington
24 Phoenix, Arizona 85007
25
26
27

ROSHKA HEYMAN & DEWULF, PLC
ONE ARIZONA CENTER
400 EAST VAN BUREN STREET - SUITE 800
PHOENIX, ARIZONA 85004
TELEPHONE: NO 602-256-6100
FACSIMILE 602-256-6800

1 **COPIES** of the foregoing hand-delivered
2 August 13, 2002, to:

3 Teena Wolfe, Esq.
4 ALJ, Hearing Division
5 ARIZONA CORPORATION COMMISSION
6 1200 West Washington
7 Phoenix, Arizona 85007

8 Christopher Kempley, Esq.
9 Chief Counsel, Legal Division
10 ARIZONA CORPORATION COMMISSION
11 1200 West Washington
12 Phoenix, Arizona 8500

13 John Bostwick
14 Utilities Division
15 ARIZONA CORPORATION COMMISSION
16 1200 West Washington
17 Phoenix, Arizona 8500

18 
19
20
21
22
23
24
25
26
27

2464

THE ARIZONA REPUBLIC

STATE OF ARIZONA }
COUNTY OF MARICOPA } SS.

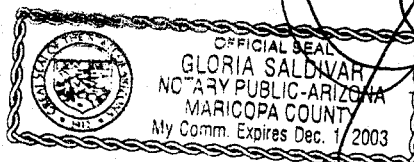
TOM BIANCO, being first duly sworn, upon oath deposes and says: That he is the legal advertising manager of the Arizona Business Gazette, a newspaper of general circulation in the county of Maricopa, State of Arizona, published at Phoenix, Arizona, by Phoenix Newspapers Inc., which also publishes The Arizona Republic, and that the copy hereto attached is a true copy of the advertisement published in the said paper on the dates as indicated.

The Arizona Republic

07/30/2002

[Signature]

Sworn to before me this
30TH day of
July A.D. 2002



Notary Public

NOTICE OF APPLICATION BY
ACSI LOCAL SWITCHED
SERVICES, INC. DBA
ESPIRE AND AMERICAN
COMMUNICATION SER-
VICES OF PIMA COUNTY,
INC. DBA ESPIRE TO DIS-
CONTINUE TELECOMMU-
NICATIONS SERVICES
(Docket Nos. T-0341A-02-0450
et al.)

ACSI Local Switched Services,
Inc. dba espire and American
Communication Services of
Pima County, Inc. dba espire
(Applicants) have filed with
the Arizona Corporation Com-
mission ("Commission") an ap-
plication to discontinue their
provision of telecommuni-
cations services in Arizona by
transferring the provision of
that service to Xspedius Man-
agement Co., L.L.C. and its
Arizona operating entities. The
Application is available for in-
spection during regular busi-
ness hours at the offices of the
commission located at 1200
West Washington Street, Phoe-
nix, Arizona 85007, and at
Applicants' address located at
725 Columbia Gateway Drive,
Suite 200, Columbia, MD 21046.
Under Commission Rule A.A.C.
R14-2-1107, interested parties
have thirty (30) days from the
publication date of this notice to
file objections to the Applica-
tion, to request a hearing and to
submit a motion to intervene in
the proceeding. Persons desir-
ing to intervene must file a
written motion to intervene
with the Commission and send
such motion to the Applicant or
its counsel and to all parties of
record, and the written motion
shall contain, at the minimum,
the following:

1. The name, address, and tele-
phone number of the proposed
intervenor and of any party
upon whom service of docu-
ments is to be made if different
than the intervenor.
2. A short statement of the
proposed intervenor's interest
in the proceeding (e.g. a cus-
tomer of the company, a
shareholder of the company, a
competitor, etc.).
3. A statement certifying that a
copy of the motion to intervene
has been mailed to the Ap-
plicant or its counsel and to all
parties of record in the case.

A.A.C. R14-3-105 shall govern
the granting of motions to inter-
vene. The granting of interven-
tion among other things
entitles a party to present
sworn evidence at the hearing
and to cross-examine other
witnesses. However, failure to
intervene will not preclude any
interested person or entity
from appearing at a hearing
and making a statement on
their own behalf or submitting
a written statement to the
Commission.

If you have any objections, mail
them to:
The Arizona Corporation Com-
mission
Attention: Docket Control
Re: ACSI Local Switched Ser-
vices, Inc. dba espire
American Communication Ser-
vices of Pima County, Inc. dba
espire
T-0341A-02-0450 et al.
1200 West Washington Street
Phoenix, Arizona 85007

If you have any questions about
this application, or want infor-
mation on intervention, you
may contact the Consumer
Services Section of the Com-
mission at 1200 West Washing-
ton Street, Phoenix, Arizona
85007 or call 1-800-222-7000.

The Commission does not dis-
criminate on the basis of disa-
bility in admission to its public
meetings. Persons with a disa-
bility may request a reason-
able accommodations such as
sign language interpreter, as
well as request this document
in an alternative format, by
contacting Shelly Hood, ADA
Coordinator, voice phone num-
ber 602/542-5931. E-Mail
shhood@cc.state.az.us. Re-
quests should be made as early
as possible to allow time to
arrange the accommodation.
02464- July 30, 2002